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Attorneys for GENENTECH, INC.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

CENTOCOR ORTHO BIOTECH, INC.,

Plaintiff,

V.

GENENTECH, INC. AND CITY OF
HOPE,

Defendants.

GENENTECH, INC. AND CITY OF
HOPE,

Counter-Plaintiffs

V.

CENTOCOR ORTHO BIOTECH, INC.,

Counter-Defendant

AND

GLOBAL PHARMACEUTICAL
SUPPLY GROUP, LLC, CENTOCOR
BIOLOGICS, LLC, AND JOM
PHARMACEUTICAL SERVICES, INC.,

Third-party Defendants.

Case No. CV 08-03573 MRP (JEMx)

The Honorable Mariana R. Pfaelzer

**DECLARATION OF MARCUS E.
SERNEL IN SUPPORT OF
DEFENDANTS' EX PARTE
APPLICATION FOR
PROTECTIVE ORDER
PROHIBITING THE
DEPOSITION OF GENENTECH
COUNSEL JEFFREY KUSHAN;
AND OPPOSITION TO
PLAINTIFF'S EX PARTE
APPLICATION FOR LEAVE TO
TAKE DEPOSITION OF
WITNESS JEFFREY KUSHAN
AFTER DISCOVERY CUT-OFF**

Date: TBD

Time: TBD

Place: Courtroom 12

1 I, Marcus E. Sernel, declare:

2 1. I am a partner at Kirkland & Ellis LLP, the law firm representing Genentech,
3 Inc. in the above captioned matter.

4 2. This declaration is based on my personal knowledge, and I would testify to the
5 matters set forth in this declaration if called upon as a witness.

6 3. Attached hereto as Exhibit 1 is a true and correct copy of Supplemental
7 Response to Genentech's Interrogatories NOS. 16 & 17.

8
9 I declare under the penalty of perjury, that the foregoing is true and correct.
10 Executed this 28th day of April, 2010 in Chicago, Illinois.

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13 /s/ Marcus E. Sernel
14 Marcus E. Sernel
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